

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1-9 will have been canceled and claims 10-18 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's claim for priority under 35 U.S.C. § 119 and receipt of the certified copy of the priority document in the Official Action. Applicant further notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application on June 22, 2001, March 12, 2003, and June 4, 2003 by the return of the initialed and signed PTO-1449 Forms, and for consideration of the documents cited in the Information Disclosure Statements.

Turning to the merits of the action, the Examiner has rejected claims 1-9 under 35 U.S.C § 102(e) as being anticipated by KATO et al. (U.S. Patent No. 5,898,2824).

As noted above, Applicant has canceled claims 1-9 and has submitted new claims 10-18. Thus, claims 10-18 are pending for consideration by the Examiner. Applicant respectfully traverses the above rejection based on pending claims 10-18 and will discuss said rejection with respect to the pending claims in the present application as will be set forth hereinbelow. The newly added claims merely clarify the subject matter recited in the rejected claims, but do not narrow the scope of the claims.

Applicant's claims 10-16 generally relate to an image communication apparatus which comprises a program memory configured to store a program. The image communication apparatus is controlled based on the program. The image communication apparatus comprises a communicator which receives an updating program via a network. The image communication apparatus comprises an internal memory which stores the received updating program. The internal memory is built in the image communication apparatus. The image communication apparatus comprises a memory slot which has an external memory card connected to the memory slot. The image communication apparatus comprises a controller which, when the updating program is received, judges whether a data amount of the received updating program exceeds a capacity of the internal memory. The controller stores the received program in the internal memory when the data amount of the received updating program is judged not to exceed the capacity of the internal memory, and updates the program stored in the program memory, based on the updating program stored in the internal memory. Further, the controller stores the received program in the external memory card inserted into the memory slot when the data amount of the received updating program is judged to exceed the capacity of the internal memory, and updates the program stored in the program memory, based on the updating program stored in the external memory card. Claims 17-18 recite a generally related method.

On the contrary, KATO et al. relates to a facsimile machine which is connected to a personal computer. When the RAM of the facsimile machine does not have a sufficient storage capacity to store incoming image data or incoming voice data, the

incoming image data or the incoming voice data is sent to the personal computer and is stored in the personal computer.

However, while KATO et al. receives image data or voice data, KATO et al. does not receive an updating program, as recited herein. KATO et al. is also connected with a personal computer, but does not disclose having a memory slot. Thus, KATO et al. also does not teach a memory card which is connected to the facsimile machine. Further, KATO et al. does not disclose updating a program stored in a memory of the facsimile machine, based on the received program, at least since KATO et al. does not receive an updating program, as noted above.

Thus, KATO et al. does not disclose a communicator which receives an updating program via a network. KATO et al. also does not disclose a memory slot which has an external memory card connected to the memory slot. Further, KATO et al. does not disclose a controller which, when the updating program is received, judges whether a data amount of the received updating program exceeds a capacity of the internal memory, and stores the received program in the internal memory when the data amount of the received updating program is judged not to exceed the capacity of the internal memory. Furthermore, KATO et al. does not disclose a controller which updates the program stored in the program memory, based on the updating program stored in the internal memory. Additionally, KATO et al. does not disclose a controller which, when the a data amount of the received updating program is judged to exceed the capacity of the internal memory, stores the received program in the external memory card inserted into the memory slot, and updates the program stored in the program memory, based on the updating program stored in the external memory card.

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Thus, the pending claims, for at least each of the above noted reasons and certainly for all of the above noted reasons, are clearly distinguished over KATO et al.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 10-18 are not disclosed in or even rendered obvious by KATO et al. cited by the Examiner.

Yet, additionally and contrary to the Examiner's assertions with respect to claims 5 and 9, KATO et al. merely teaches the existence to "various kinds of data" (column 6, line 19), but does not disclose or teach "receiving an updating program" and a "controller" as recited herein.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

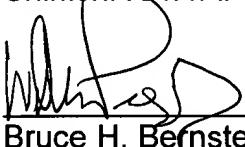
SUMMARY AND CONCLUSION

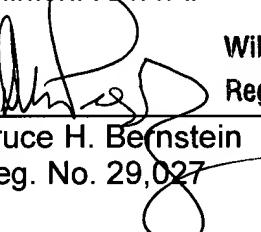
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted new claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the disclosure of the reference. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application, in due course.

The amendments to the claims which have been made in this amendment and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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